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Minister

Proposed Regional District Legislation

A Discussion Paper

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A MESSAGE FROM THE MINISTER

It has been over twenty years since British Columbia's regional district legislation was formulated and it has changed very little since --- too long a period for any legislation to maintain its currency. I am pleased to put forward the document you now have before you as one of the final stages in a long and exhaustive process of review and consultation; a process which I am convinced will improve the functioning of our regional districts, not only for the present, but in the foreseeable future.

The evolution of this review is fascinating, and indicative of the way in which British Columbians wish to shape democracy as a part of their day to day lives. We are now very close to realizing these wishes in the form of the legislation you are about to peruse and, I hope, comment upon.

Please give this document your closest attention. Let my staff and I know your thoughts. You will be helping to ensure that democracy functions well in British Columbia, and that our regional districts will have a vibrant and necessary role to play in local affairs.

I thank you on behalf of all British Columbians.

Rita Johnston

Rita M. Johnston
Minister of Municipal Affairs

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Proposed Regional District Legislation

Background and Highlights

PART 1 AN INTRODUCTION

Purpose

This paper provides for discussion a nearly complete and comprehensive draft of proposed regional district legislation. It must be stressed that, despite appearances, the draft is not final; rather it is simply another step in a review process which began in earnest some 18 months ago. Although the ministry is confident that this draft of the proposed legislation faithfully reflects the principles that emerged from the earlier stages of the review process, many questions of a technical nature are even now bound to arise. The ministry welcomes these questions, especially about matters that the eventual legislation should address in greater depth or detail.

The Need for New Legislation

Regional district legislation has changed very little in concept since it was enacted in 1965. The basic idea then was straight-forward: regional districts were to provide a framework for intermunicipal (or joint) delivery of services and, equally important, to provide needed local government services to rural areas. However, a complicated system of government based on intricate legislation is needed to deliver on this simple idea.

Regional districts have grown and evolved since 1965 but the legislation has not really kept pace. In particular, the process by which regional districts acquire and exercise their powers has become cumbersome in relation to the local government roles and duties they are expected to perform. Furthermore, the autonomy and authority possessed by municipalities is in many respects not provided to regional districts by today's legislation.

Regional districts have performed well -- very well -- in their service delivery role. They have been able to provide a flexible and pragmatic response to the varying settlement patterns and differing local government requirements of communities in the province. The proposed legislation is intended to take what has proven to be a sound concept of service delivery and improve and refine it, the better to meet the challenges of the next decade. It is proposed that regional districts be given many of the same service powers as municipalities and be provided with a corresponding level of autonomy. These changes are intended to build on success and improve the efficiency and performance of the regional district system.

A Process of Consultation

Regional district legislation has over the years been subject to periodic reviews of particular sections of legislation. In addition, two comprehensive performance reviews have been conducted: one in 1978 by the Regional District Review Committee (the Farmer

Committee) and the other in 1986 by the Regional District Survey Committee (the Campbell Committee). However, the current process, culminating in this discussion paper, is the first complete and comprehensive review of the actual legislation since 1965.

The current regional district legislation review has been under way over the past 18 months. The Regional District Legislation Review Committee (RDLRC) began work in January 1986 with a mandate to develop a comprehensive revision of Part 24 of the Act. The committee included representatives from the MOA, UBCM staff, the legal profession, Legislative Counsel and the Ministry of Municipal Affairs. This committee was active throughout 1986 and presented a major report (*Regional District Policy Proposals: Some Notes on Major Issues)* to a meeting of regional district administrators in November of that year. An RDLRC sub-committee, consisting of MOA representatives and of Ministry staff, also looked at particular problems in the field of voter assent.

Another prominent element in the consultative process was the holding of a series of *Regional District Forums* in the summer of 1986. These were staged by the Ministry in 8 centres around the province, and attracted an audience of about 270 regional district officials, most of the UBCM executive and more than 20 Ministry staff. The forums were intended to inform regional district representatives of the Legislation Review Committee's proposals, to obtain comments on these and to achieve a consensus on the basic direction which the legislative revisions should take. The regional district forum process culminated with a presentation and discussion of policy proposals at the UBCM convention in September of that year.

Early in 1987, the Premier's Conference on Decentralization was held in Vancouver. The proposed regional district legislation was a featured item on the agenda. Significantly, delegates to the conference endorsed the preparation of specific legislative proposals for reforming Part 24 (*Joint Communique from the Province and the Union of BC Municipalities).* The Ministry of Municipal Affairs has proceeded on this mandate and the result is now in your hands.

This paper represents one more step in the consultative process. The discussion and comments which it intends to elicit will play a major role in the final preparation of new legislation for regional districts.

Principles

The Ministry has focused on six main principles in the rewrite of the regional district legislation comprising Part 24 of the Municipal Act. These principles, which address the weaknesses of the current legislation, are the following.

o *Autonomy*: an attempt is made to enhance local responsibility. A major innovation is to replace the system of empowerment by Cabinet order with a system of statutory empowerment.

Division 3 of the proposed legislation sets forward the key service powers of regional districts suitable for autonomous exercise. These service powers are all of the most important local government powers, ranging from water supply to animal control. Each of these powers is to be exercised by bylaw. Moreover, careful consideration has been given to provincial-local interaction, and provincial approval powers are confined to the essential.

- *Flexibility*: the existing legislation has been criticized as inflexible, and so it is. Though perhaps appropriate in the circumstances of 1965, this inflexibility is no longer appropriate today. Significant improvements in operating flexibility are provided by this proposed draft legislation. These improvements are particularly prominent in Division 4 concerning financial operations.

- *Fiscal responsibility*: regional districts have matured as they have grown. The system is ready for an enhanced level of fiscal responsibility. The proposed legislation provides a fiscal framework for regional district operations which, arguably, is consistent with local needs and provincial requirements.

- *Representation*: there are two major concerns in this respect. Some officials within the system have expressed dissatisfaction about the use of the weighted vote. Others find the system for representation in rural areas to be less than satisfactory. Both concerns are dealt with in the proposed legislation. The weighted vote is retained but its use is limited in important respects: it is to be used in connection with critical money matters affecting the whole regional district and in connection with money matters affecting the administration of individual service areas. In other respects, the one-director-one-vote principle becomes more prominent. In addition, rural representation opportunities are significantly affected by the new proposals for the local community. The local community is expected to be a much more popular option for rural self-government than it has proven to be in its present form.

- *Accountability*: the voter's role in approving the exercise of powers is reinforced. There are clear and consistent rules for political consent built into these proposals.

- *Clarity*: great strides have been made toward increasing the understandability of the legislation. A feature of today's legislation which has yielded many problems of interpretation is the interconnection of Part 24 (regional districts) and Part 16 (specified areas). This problem is resolved: the new Part 24 is completely self-contained with respect to the creation of "service areas", hence the cross-reference to Part 16 is redundant and has been dropped. Greater clarity is achieved in other respects as well. For example, a divisional structure is introduced and provisions are ordered in a more logical sequence. Moreover, procedural cross-referencing has been

confined to the essential. The cross-references now appear explicitly and in context. The intent has been to eliminate the doubt and confusion that now surrounds Part 24.

PART 2 OUTLINE OF THE DRAFT LEGISLATION

There are five divisions in the proposed legislation. The following summary briefly describes the main features of each. The actual text of the proposed legislation, together with a helpful sequence of explanatory notes, appears later in this document. The summary below is not meant to be a substitute for reading the proposed legislation, but it will serve as a handy road map, a key to what to expect.

Before delving into the five proposed divisions of Part 24, it would be well for readers to take note of the "Interpretation" section which appears immediately before Division 1 in the draft text. Here are found some critical definitions, definitions which if not understood will impair the reader's understanding of what is to follow. Of special importance are the definitions of the various types of services regional districts will be empowered to supply. Look first at the definition provided for the word "service" itself.

Division 1: Corporate Structure

Into Division 1 are grouped all of the basic issues concerning corporate structure, general corporate powers and regional district boundaries. Provisions for boundary adaptation are provided as well. A greatly revised and improved method is proposed for dealing with the tricky technical problems involved when a new municipality is created. Finally, an important provision continuing regional districts created under the former legislation and preserving the existing powers of all regional districts is provided.

Letters patent are currently used to incorporate and define the boundaries of regional districts. Letters patent are also used today to endow regional districts with all of their "functional" service responsibilities. The proposed legislation eliminates the need to issue letters patent to a regional district to authorize service provision. As a result, in this draft the role of letters patent is confined to the basic constitutional matters: structure and boundaries.

Regional districts have always had corporate status but there is only vague reference in the current legislation to the the general corporate powers assigned to them. Certainly, regional districts are less well endowed than are municipalities in this respect. In a crucial section, section 771, the general corporate powers proposed for all regional districts are provided. Some important powers are:

- *Property*: the full power to acquire and dispose of real and other property and to contract for materials and services. Also expropriation powers are supplied.

- o *Incidental powers*: the power to do anything incidental or conducive to the exercise of any power assigned.

- o *Rules and regulations*: the power to make rules and regulations respecting the administration of a service.

- o *Emergencies*: the power to act as circumstances require in an emergency.

A general shortcoming of the current legislation is that it forces regional districts to speculate on its intent, leading to inconsistent interpretation of the Act across the province. In order to eliminate these differences, the draft legislation consolidates most of the basic corporate powers of regional districts into one section.

Provisions to deal expeditiously with regional district boundary changes are provided. Of perhaps more importance, however, are revised procedures for dealing with the effects of municipal boundary adaptation on regional district services. This troublesome technical issue has proven to be a problem time and again under the current legislation. An innovative approach to the issue has been devised (readers are directed to section 775 for the draft text).

The most difficult problem occurs when a new municipality is carved out of an electoral area and absorbs a regional district service area. This normally warrants a transfer of jurisdiction for the service from the regional district to the new municipality. The problem is that the new municipality is seldom prepared to take on this service responsibility on its date of incorporation. The innovation proposed to overcome this problem is to provide a 6-month delay in the transfer of jurisdiction. Not only does this provide some needed breathing room, but it allows discussions regarding the imminent transfer to take place between the board and the new council.

Division 2: Government and Procedure

The basic rules for government and procedure are provided in Division 2. The method of composing the board, the assignment of voting rights, the appointment of municipal directors, the election of electoral area directors, the conduct of votes on bylaws and resolutions and miscellaneous procedural matters are all dealt with here.

The method of composing a board and assigning voting rights is essentially unchanged from the present. However, the rules in this respect are consolidated and made understandable. The process by which municipal directors are appointed and electoral area directors are elected remains largely untouched, although the requirements for swearing in directors are clarified. Lack of clarity in this respect has caused some confusion in the past. The mechanics of selecting alternates are changed not so much in intent as in expression.

Voting on bylaws and resolutions is dealt with in an important clause, section 781. The rules under the current legislation confound all laymen and most experts. The proposed legislation attempts to improve on this record. Furthermore, this is an area which has seen a significant policy change. The weighted vote is confined to certain issues outlined in the draft text, while the one-director-one-vote principle assumes a more prominent role in the conduct of votes.

A new provision is proposed in relation to the calling and conduct of meetings. It has been recognized that, given the huge size of some regional districts, it is sometimes impractical to gather together a quorum of the board to conduct urgent business. A pragmatic response is to provide the option of calling a telephone vote in place of a regular or extraordinary meeting when the chairman feels it is appropriate to do so. While the Ministry recognizes that further development of this concept is certainly required -- for it is *not* meant to be a substitute for the open democracy of the regular board meeting -- it also agrees that now may be the time to consider introducing the telephone vote provision.

The remuneration issue has been given attention in the proposed legislation. The board may provide remuneration for: a) chairmen, vice chairmen, directors and alternate directors; and b) committee members. Significantly, and in response to recommendations for added flexibility, the board bylaw may provide different remuneration for directors or different classes of directors.

Division 3: Service Establishment Powers

This division contains many of the most significant legislative changes. For the first time, it is proposed to endow regional districts with a full set of standard service powers, exercisable by bylaw. The nature of the assigned powers, and specific qualifications on the powers assigned, are detailed in this division. A second major purpose of this division is to set forth the statutory prerequisites to the adoption and amendment of bylaws for the exercise of Division 3 powers. These prerequisites are found in the sequence of sections beginning at section 792. As an important note, readers are reminded of the need to read Division 3 in the context of the general corporate powers assigned to regional districts at section 771. These general powers amplify the service powers provided in this division in important respects. Also readers are reminded of the provision found at section 767(2) respecting the continuation of pre-existing service powers.

The proposed legislation distinguishes two main types of service, and labels these "local" and "extended" services respectively (the reason for the distinction will become apparent upon considering the statutory prerequisites to the exercise a service power). The legislation gives regional districts the authority to establish services selected from, in effect, a menu. Having selected a service, the service power is exercised through the adoption of an "establishment bylaw". In an establishment bylaw, a regional

district must specify -- and gain a consensus on -- the type of service it intends to provide, the area to be served, the maximum that will be spent on the service and how the regional district intends to recover the cost of the service. If borrowing is required to initiate a service, the establishment bylaw is combined with the required loan authorization bylaw, and this combined bylaw is what, in most cases, is placed before the voters for assent.

In addition to the services authorized by statute the Lieutenant Governor in Council, by regulation, may authorize a regional district to undertake additional services. Recognize that this regulation would assign the bare power to the regional district. A standard establishment bylaw would be required subsequently to exercise the power assigned.

After careful consideration and consultation, the Ministry proposes that several major service powers be assigned to regional districts (aside from the general administrative service responsibilities all regional districts possess: see definitions). The assigned powers under the proposed text are as follows:

Local Services	Extended Services
Sewer, incl. pump & haul	Animal/dog control
Water	Nuisance regulation
Solid waste	Sundry regulation
Community/regional parks	Soil removal regulation
Recreation and community facilities	Building regulation
Libraries	Numbering of buildings
Fire services	Emergency programs
Cemeteries	
Street lighting	

This list, small as it might seem to the casual observer, actually encompasses the vast majority of the service activities regional districts have adopted over the past 20 years.

The statutory prerequisites to establishment bylaw adoption and amendment are complicated, and necessarily so. The regional district is a government of consensus: participants in a service must be given adequate voice and ratepayers must generally be given a say. Safeguards of this principle must carefully built in to the legislation. At the same time, care must be taken not to bind regions hopelessly in red tape. What appears in the draft legislation is intended to be a balance between these contradictory ends.

Let us take the case of a regional district that determines a need to provide a local or extended service to some specific area of the

regional district. What does it do? First, it must describe the service area and prepare an establishment bylaw according to the content requirements laid down in section 792. Each separate exercise of power requires an establishment bylaw; each establishment bylaw authorizes a single exercise of power. This bylaw is taken to third reading by the board.

After third reading, and before seeking assent or consent, the establishment bylaw must be delivered to the inspector for review and approval. The main subjects for provincial review will be the boundaries of the service area created by the bylaw and the debt, if any, intended to be created.

Once the bylaw receives provincial approval, any of several things might happen, depending on whether the bylaw is for a local service or an extended service, and whether the service area created contains municipal territory. Suffice it to state the most general propositions:

- o *assent*: all bylaws require voter assent, unless the assent requirement is waived by the council or the board, as the case may be.

- o *waiver*: councils are authorized to waive the voter assent requirement in most, but not all, circumstances. Boards are authorized to waive the assent requirement within electoral areas under restricted conditions. Generally, it is easier to waive voter assent for extended, as opposed to local, services. For local services, assent may be waived only in the presence of a sufficient petition in accordance with section 799.

- o *assent options*: where voter assent is required, an alternative is provided. Normally the referendum option would be selected. But for the first time, the counter petition option (similar to the initiative plan) is also provided.

- o *consent*: where voter assent is waived, council or electoral area director consent, as the case may be, is required.

In addition to these bylaw adoption prerequisites, specific rules for bylaw amendment are provided. These rules are an attempt to facilitate amendment without sacrificing the stability necessary for regional district operations.

Division 4:
Financial Operations

Over the past 20 years, regional districts have demonstrated they are competent providers of a range of services and have demonstrated their ability to exercise responsible internal financial management. The proposed legislation removes unnecessary financial management constraints now imposed on regional districts. The main features of this division consist of a clarification and codification of financial management procedures. The financial powers of regional districts have been grouped and structured under this division.

There has been considerable uncertainty about how existing financial procedures, many of which have been cross-referenced from their municipal counterparts, apply to regional districts. A number of sections have received different interpretations. This has led to some inconsistencies. To address this, many portions of Part 24 have been rewritten to provide specific directions for regional districts. For example, although many regional districts currently accumulate a surplus, there is uncertainty regarding the legality of doing this. The proposals in the legislation give clear authority to accumulate a surplus on a service by service basis. Similar confusion surrounds reserve funds. Today's Part 24 references the municipal authority to maintain reserve funds. However, there is uncertainty over whether this gives a regional district the same power as a municipality under the section in question. Although specific drafting instructions have not yet been developed, the Ministry is committed to giving regional districts explicit authority regarding the establishment and maintenance of reserve funds.

The proposals give regional districts maximum flexibility in how they charge for services rendered. This ensures that regional districts are free to choose the right cost recovery tool for the job.

No change is proposed with respect to long term MFA debt except in relation to voter assent. Regional districts are empowered to incur debt only as expressly provided in the division. Loan authorization bylaws are required prior to borrowing. The provisions for voter assent for loan authorization bylaws are now to be equivalent to those for establishment bylaws, consistent with the Ministry's commitment to reinforcing accountability.

Provision for new methods of capital finance will be provided. Although specific drafting instructions have not yet been developed, the Ministry is committed to developing provisions for reserve funds and short term capital borrowing.

Division 5: General

This division addresses a number of miscellaneous issues. Some important authorities are provided, such as the power to act as a contractor for the delivery of municipal services, the authority to engage in service delivery outside the boundaries of the regional district and the authority to create local communities. Finally, although not yet developed, Division 5 will also contain necessary provisions regarding the process for transition between the old regime and the new.

The local community concept is one which has, in the past, received little attention. Regional districts are currently empowered to establish local communities but the imposing restrictions surrounding their creation have left the power largely unutilized. These proposals provide simpler, more flexible legislation for the establishment of local communities. Local communities are designed to provide an opportunity for self-government in rural areas. The "new" local community will

combine the benefits of effective local service delivery by the regional district with a measure of local autonomy and control.

The provisions of sections 820 and 821 (although the latter are not fully developed) provide a useful measure of flexibility to regional districts. The provision for service contracting essentially reenacts a current, and valuable, provision in Part 24. It permits the regional district to act as a service contractor to a municipality. This is often an effective and efficient means of service supply in municipalities. The provision for extraterritorial service delivery is new. It would permit regional districts to create service areas extending into neighbouring jurisdictions. The key control element is that such an extension of services would be done under an agreement ratified by the respective governing bodies affected. This is not likely to be a commonly utilized section, but it adds a vital degree of flexibility.

Proposed Regional District Legislation

Draft Text

PROPOSED TEXT FOR A NEW PART 24 OF THE MUNICIPAL ACT

766. Interpretation

Division (1): Corporate Structure

767. Continuation of regional districts
768. Incorporation of regional districts
769. Letters patent of regional districts
770. Corporate status
771. General powers
772. Officers and employees
773. Amalgamation and division of regional districts and alteration of boundaries
774. Dissolution of improvement districts
775. Creation of new municipalities

Division (2): Government and Procedure

776. Composition and voting rights
777. Appointment and term of office of municipal directors
778. Election and term of office of electoral area directors
779. Vacancies and alternates, municipal directors
780. Vacancies and alternates, electoral area directors
781. Voting
782. Chairman
783. Calling and conduct of meetings
784. Extraordinary voting procedure
785. Remuneration of directors
786. Procedure, bylaws and enforcement
787. Committees, delegation of powers and inquiries

Division (3): Service Establishment Powers

788. Local services
789. Extended services
790. Additional local or extended services
791. Exercise of regulatory powers
792. Establishing bylaw
793. Approval, review and filing
794. Assent or consent where service area includes municipality
795. Assent or consent where service area includes an electoral area
796. Assent of electors: referendum
797. Assent of electors: counter petition
798. Adoption of sections
799. Petition of services
800. Amendment of establishment or loan authorization bylaws

Division (4): Financial Operations

801. Accounting
802. Cost recovery
803. Budget
804. Apportionment
805. Requisition of funds: municipalities
806. Requisition of funds: electoral areas
807. Collection in municipalities
808. Collection in electoral areas
809. Feasibility study fund
810. Debt: revenue
811. Limitations on contract
812. Debt: capital
813. Loan authorization bylaws
814. Security issuing
815. Provisions applicable to loan and security bylaws
816. Reserve funds
817. Short term capital borrowing
818. Financing municipal undertakings
819. Borrowing on credit

Division (5): General

820. Contracting services
821. Extraterritorial service provision
821.1 Local community
821.2 Notice required for certain bylaws
821.3 Firearms bylaws
821.4 Financial
821.5 Tax adjustments
821.6 Property taxes
821.7 Miscellaneous application
821.8 Appeals
821.9 Transitional

Bill XX - 1987
Municipal Amendment Act, 1987

HER MAJESTY, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. Part 24 of the *Municipal Act*, R.S.B.C. 1979, c. 290, is repealed and the following substituted:

PART 24

Interpretation

766. (1) In this Part and in any regulation or bylaw passed under it

"annual operating expenses" means the annual amount required to pay for all expenses, other than debt servicing expenses, for the provision of a service;

"board" means the governing and executive body of the regional district;

"chairman" means the chairman of the board;

"debt servicing expenses" means the annual amounts required to pay principal and interest in respect of money that is borrowed to provide a service;

"director" means a member of a board whether as a municipal director or an electoral area director;

"electoral area director" means a director elected under section 778 from an electoral area;

"extended service" means a service to a service area provided by bylaw under section 789 or by regulation under section 790 which states that the service is an extended service;

"general service" means a service of or involving

(a) general administration, other than that set out in paragraph (b), including the remuneration and expenses of directors and matters involving the feasibility reserve fund,

(b) electoral area administration, consisting of the costs of electing directors, membership in bodies and attendance at conventions of the Union of British Columbia Municipalities,

(c) the management of development under Part 29,

(d) the administration of local community commissions established under Division 5, and

(e) the giving of grants in aid to those who benefit the community;

"letters patent" includes supplementary letters patent;

"local service" means a service to a service area provided by bylaw under section 788 or by regulation under section 790 which states that the service is a local service;

"municipal director" means a director appointed under section 777;

"municipality" means a municipality within a regional district, and includes the City of Vancouver;

"net taxable value of land and improvements" means net taxable value of land and improvements for regional hospital district purposes;

"regional district" means a regional district incorporated under this Part or under the former Part 24;

Section 766:

Definitions of significant words and phrases used in this Part are provided. The most important definition is for "service" which includes three types of service: "extended services" (which are basically regulatory in nature), "general services" (which includes general administration and planning) and "local services" (which are largely "hardware" type services).

"secretary" means the secretary of a board appointed under section 772;

"service" means an extended service, local service and general service, or either of them, as the context requires;

"service area" means the area in which a service is provided;

"treasurer" means the treasurer of a board appointed under section 772.

(2) In the application of the other provisions of this Act to this Part, a reference to a municipality, council, mayor, alderman, clerk or treasurer is a reference to the regional district, board, chairman, director, secretary or treasurer, respectively.

Division 1
Corporate Structure

Section 767:

Regional districts are continued, and are granted the powers contained in this Part. Regional districts retain service powers granted under the legislation by letters patent. Transitional provisions are found in section 821.9.

Section 768:

Provision is made to incorporate new regional districts.

Section 769:

The content of letters patent is specified.

Continuation of regional districts

767. (1) Every regional district incorporated before the coming into operation of this Part is continued as a corporation and is vested with the powers conferred on it by this Act.

(2) Subject to section 821.9, where the letters patent of a regional district incorporated before the coming into operation of this Part confer a power to provide a function which is not conferred on it by this Part, the function may be provided as if the power was a service contained in this Part but subject to the terms and conditions contained in the letters patent respecting its implementation.

Incorporation of regional districts

768. The Lieutenant Governor in Council may, by letters patent, incorporate an area of land and the residents in it into a regional district for the purpose of exercising powers conferred on it under this Act or any other enactment.

Letters patent of regional district

769. (1) Letters patent incorporating a regional district shall specify the

(a) name and boundaries of the regional district,
(b) municipalities and electoral areas that comprise the regional district, and describe the boundaries of each electoral area within the regional district,
(c) the voting unit, that is to say the number of persons used to calculate the number of votes referred to in section 776 (3),
(d) last date for appointment of municipal directors to the first board,
(e) time and manner of the first election of electoral area directors,
(f) returning officer and polling places for the first election,
(g) date, time and place of the board's first meeting,
(h) sums that may be borrowed to meet the current lawful expenditures of the regional district in the year of incorporation and, if considered necessary, for the next year,
(i) dates that may be observed initially, and once only, in place of statutory dates, and
(j) the powers, duties and obligations, if any, of a member municipality, which are transferred to the exclusive jurisdiction of the regional district, and
(k) any other provisions and conditions the Lieutenant Governor in Council considers necessary or advisable

(2) No part of an electoral area shall be within a municipality.

(3) The Lieutenant Governor in Council may, by letters patent,
(a) change the name of a regional district, and
(b) amend the voting unit referred to in subsection (1) (c), and
(c) redefine the boundaries of an electoral area, establish a further electoral area or eliminate an existing electoral area, with power to make provision for the transition that he

considers necessary or advisable, and, without restricting the generality of that, to allocate and assign or transfer all obligations, liabilities and assets in a manner that he considers just and expedient.

Corporate status

Section 770:

Regional districts continue to have corporate status.

770. (1) Every regional district incorporated under this Act is a corporation under the name stated in the letters patent.

(2) The board of a regional district is, and has been since the incorporation of the regional district, always continuing and existing, notwithstanding a change in its membership.

(3) A board, after being sworn in, may take up and carry on to completion all proceedings commenced but not completed before it was sworn in.

(4) A regional district shall have a corporate seal and the secretary shall be the custodian of it.

(5) The secretary shall cause the corporate seal to be affixed to a document when required by law or by resolution of the board.

General powers

Section 771:

Regional districts are given explicit general powers. These include the power to undertake general services, acquire and dispose of property, contract for materials and services, do anything incidental or conducive to the exercise of an assigned power, expropriate property and act as circumstances require in an emergency. This section significantly qualifies the service powers granted in Division (3).

771. (1) Subject to this Act, a regional district has, for the purpose of exercising its powers, the full power to undertake general services, to acquire and dispose of real and other property and to contract for materials and things, both personal and otherwise.

(2) A regional district has, in addition to powers specifically allotted to it, the power to do anything incidental or conducive to the exercise of any power that has been given to it, but the right to incorporate a corporation or acquire the shares of a corporation shall not be exercised without the prior approval of the inspector.

(3) A board has the power to make rules governing the provision and administration of a service, with the right to set conditions on access to property, times of closure, management and maintenance, and provisions respecting use including the fixing and collection of fees and charges.

(4) In addition to the powers of a regional district or the board under this Act, the minister may by order, confer on a regional district or the board further powers for the management and disposal of regional district assets that the minister considers necessary or advisable.

(5) Where the powers conferred on a board are inadequate to deal with an emergency, the board may, by bylaw adopted by a vote of at least 2/3 of the members, declare in respect of any electoral area or a part thereof, that an emergency exists and exercise the necessary powers to deal effectively with it.

(6) In addition to any other powers to acquire property which the regional board may exercise, it may by its servants enter on, break up, take or enter into possession of and use any real or personal property within the regional district not publicly owned, where necessary or convenient for any purpose of the regional district, without the consent of the owners of the property.

(7) Where a power under subsection (6) is exercised, Division (4), Part 12 applies.

[Subsection (7) to be redrafted following proclamation of the Expropriation Act.]

Officers and employees

Section 772:

Regional districts are given clear statutory authority to appoint officers and employees and establish the terms and conditions of employment.

772. (1) The board shall appoint a secretary and a treasurer and may appoint

(a) officers to positions that it has, by bylaw, been designated as officer positions, and

(b) other employees that it considers necessary.

(2) The provisions of sections 257 to 260 apply as appropriate to officers and employees of the board.

(3) Where the board makes an appointment under subsection (1), it may, subject to the provisions of a collective agreement, establish the terms and conditions of employment.

(4) The same person may be appointed to 2 or more offices.

(5) The secretary and the treasurer have the same duties and powers as the clerk or treasurer of a municipality under sections 244 and 245 respectively.

(6) Subject to a contract of employment and notwithstanding a bylaw, the engagement of an officer of a regional district may be terminated

(a) on reasonable notice, and then only by approval of at least 2/3 of the directors, or

(b) without notice, for cause, by approval of a majority of the directors.

(7) The board may, by a 2/3 majority, provide for the inclusion of the board in an employer's organization under the *Industrial Relations Act*.

Amalgamation and division of regional districts and alteration of boundaries

Section 773:

The Lieutenant Governor in Council may alter regional district boundaries or amalgamate regional districts.

773. (1) On receiving the recommendation of the minister, the Lieutenant Governor in Council may, by the issue of letters patent, or by repeal of existing letters patent and issue of new letters patent, as necessary,

(a) amalgamate 2 or more regional districts,

(b) alter the boundaries of 2 or more adjoining regional districts by reducing the area of one and increasing the area of another by the inclusion of the area withdrawn into the district that is increased, or

(c) divide a regional district into 2 or more regional districts.

(2) Before the minister makes a recommendation under subsection (1), he shall

(a) consult with the minister who administers the *Hospital District Act* for the purpose of ensuring that any boundary alteration will, where possible, maintain coextensive regional district and hospital district boundaries, and

(b) notify all regional districts that will be affected by the proposed recommendation.

(3) The Lieutenant Governor in Council shall not make an order under subsection (1) for 6 months after notice has been given under subsection (2) (b).

(4) The minister, in a recommendation under subsection (1), shall specify a proposed allocation or division of the assets and liabilities of the districts affected.

(5) Where letters patent are issued under subsection (1), the Lieutenant Governor in Council may in those letters patent, make provisions for the transition that he considers necessary or advisable, and, without restricting the generality, may allocate and assign or transfer all assets and liabilities, in a manner that he considers just and expedient.

(6) Subject to the letters patent, the bylaws and resolutions of boards that had jurisdiction before the amalgamation, alteration or division remain in force until they are altered or repealed by the board having jurisdiction following the amalgamation, alteration or division.

(7) On the issue of letters patent under this section, sections 17 and 34 apply.

Dissolution of improvement districts

Section 774:

When an improvement district is dissolved, responsibility for services may be transferred to the regional district. The regional district bylaw which reconstitutes the services of the former improvement district is exempt from normal statutory prerequisites.

774. (1) Where an improvement district is dissolved under section 826, or a local area under the *Local Services Act* ceases to exist, and the land comprising the improvement district or local area is in a regional district, the Lieutenant Governor in Council may provide that all or part of the land be a service area under this Part and may transfer to the regional district any asset or liability of the improvement district or local area under the terms and conditions he considers necessary or advisable, and may, in addition, specify that the bylaws of the improvement district continue in force in the part of the improvement district that is within the regional district until they are amended or repealed by the board.

(2) Where provision is made for a service area under subsection (1), the board shall adopt a bylaw under Division (3) for the establishment and operation of the local service or extended service to the appropriate land without the application of sections 794 and 795.

Creation of new municipalities

Section 775:

This section deals with the creation of new municipalities or the alteration of established municipal boundaries. New municipalities are granted immediate representation on the regional board. Effects on regional district services are dealt with. An important innovation is the concept of delayed transfer of jurisdiction (ss(3)).

775. (1) Where letters patent incorporate an area within the regional district as a new municipality, the new municipality becomes a member municipality of the regional district on the date of incorporation, with representation determined in accordance with section 776.

(2) Where letters patent incorporate a new municipality, or alter the boundaries of an existing municipality, and the whole of a service area for a local or extended service is within the new municipality, the Lieutenant Governor in Council may, by letters patent for the regional district, make provisions regarding the transfer of jurisdiction for the service, including the transfer of assets and liabilities, to the municipality.

(3) Where jurisdiction for a service is transferred to the municipality by letters patent under subsection (2), the effective date of the transfer is 6 months after the date of the letters patent unless the minister, by order, specifies an alternative date, and notwithstanding section 791, the jurisdiction of the regional district governing the service continues in force during that time.

(4) Where letters patent incorporate a new municipality and only a part of a service area for a local or extended service falls within the new municipality, the service is continued under the jurisdiction of the regional district with representation determined in accordance with section 776.

(5) Where letters patent are issued extending or reducing the

boundaries of a municipality, the voting power of the municipality under section 776 shall be adjusted effective January 1 in the year following the date of issuance.

(6) Where letters patent incorporate a new municipality, or alter the boundaries of a municipality, the Lieutenant Governor in Council may, by letters patent of the regional district, make provisions that he considers necessary or advisable to make provision for a proper functioning of the regional district consequent upon the change.

Division 2
Government and Procedure

Composition and voting rights

Section 776:

Rules for board composition and assignment of voting rights remain essentially unchanged. The applicable rules are, however, consolidated and clarified.

776. (1) A board consists of municipal directors and electoral area directors.

(2) The number of directors to which each municipality or electoral area is entitled is the number obtained by dividing the number of votes which that municipality or electoral area is entitled under subsection (3) by 5, but if the quotient is not an integer, it shall be deemed to be the next greater integer.

(3) The number of votes to which each municipality and each electoral area is entitled is the number obtained by dividing the population of the municipality or electoral area by the voting unit established in the letters patent, but if the quotient is not an integer, it shall be deemed to be the next greater integer.

(4) For the purposes of subsection (3), the population of a regional district is the sum of the population of its municipalities and electoral areas and, where those populations have not been established by census, they shall be determined by the minister until the results of a census are known.

(5) A change in the population of a municipality or an electoral area established by census shall, for purposes of the voting power on that board, take effect in the year following the year in which that census was taken.

(6) The votes of a member municipality shall be equally distributed by the council among the directors from that municipality.

(7) Where equal distribution is not possible,

(a) the council shall assign the municipality's votes to each director as evenly as possible, but in no case shall the difference between the maximum and minimum number of votes assigned be greater than one, and

(b) the clerk shall notify the secretary of the assignment made under paragraph (a).

Appointment and term of office of municipal directors

Section 777:

A municipal director holds office for one year or until the appointment of his successor, whichever is later.

777. (1) Each municipal director shall, by resolution of the council, be appointed from among the members of that council before January 1 of each year, and the appointee holds office from the date he is sworn in until the first Monday following the next December 1, or until the appointment of his successor, whichever is later.

(2) Each municipal director must take an oath of office, and the form set out in section 212 applies with appropriate modifications.

Election and term of office of electoral area directors

Section 778:

Electoral area directors are elected in the same manner as municipal council members. They shall now

778. (1) After the first election, electoral area directors shall be elected in the same manner and at the same time as the election of members of a council.

(2) Parts 2 and 3 apply to the holding of an election for electoral area directors.

hold office for three years. The provisions of Parts 2 and 3 apply to electoral area elections.

(3) The secretary shall prepare lists of electors in accordance with Part 2 for each electoral area, and the lists shall be authenticated in accordance with that Part.

(4) The board may waive the requirement for a house to house canvass for all or part of an electoral area.

(5) The secretary shall forward to the secretary of the board of school trustees of each school district lying within or partly within the regional district a copy of the authenticated lists of electors for each electoral area or part of an electoral area within those school districts.

(6) Where an electoral area lies within more than one school district, the list of electors for that electoral area shall be prepared in a manner that separately identifies the electors of each school district.

(7) On or before August 10 in each year, the British Columbia Assessment Authority shall supply to each secretary the names of persons shown on the last revised assessment roll and supplementary assessment rolls as liable to assessment and taxation for land in each electoral area of the regional district.

(8) To ascertain who are the registered owners of real property on August 31 in any year, the secretary is entitled to inspect without charge or fee

(a) the roll referred to in subsection (8) and any later records kept by the British Columbia Assessment Authority, and

(b) the records of any land title office.

(9) The board shall, for the purposes of section 59, appoint one or more Courts of Revision, each consisting of 3 directors. Each court shall appoint one of its members as chairman.

(10) For the purpose of receiving nomination papers for the election of electoral area directors, the board may designate the clerk of a municipality or any other person as a deputy returning officer.

(11) The board of the Greater Vancouver Regional District may declare that the list of electors for Electoral Area A is the list of electors prepared by the City of Vancouver on behalf of the regional district.

(12) Where, at an election, the required number of directors is not elected, the board shall arrange for an election to fill the vacancies.

(13) Where there are no nominations for an election within the time allotted, the board shall appoint a person who resides in the electoral area as a director to fill the vacant seat.

(14) The returning officer shall, within one month after the election,

(a) publish in the Gazette the names of the persons who are elected, and

(b) notify the inspector of those names.

(15) Each electoral area director must take an oath of office and of allegiance and the forms set out in sections 212 and 213 apply with appropriate modifications.

(16) The term of office of an electoral area director commences at noon on the first Monday after December 1 following the election or when he is sworn in, whichever is later, and ends at noon on the first Monday after December 1 three years later, or when his successor is sworn in, whichever is later.

Vacancies and alternates, municipal directors

Section 779:

A municipality may appoint an alternate to act on behalf of each director in his absence.

779. (1) The council of a municipality may appoint a member of the council as an alternate director to take the place of and vote on behalf of an absent director who is appointed under section 777.

(2) Where the council appoints an alternate, the clerk shall notify the secretary of the appointment.

(3) An alternate holds office in that capacity until another member of council is appointed to replace him, and the secretary of the board has been notified of the new appointment.

(4) Where the seat of a municipal director becomes vacant through death, resignation or disqualification, the alternate appointed under subsection (1) becomes the municipal director in place of the director whose seat became vacant until a new director is appointed.

Vacancies and alternates, electoral area directors

Section 780:

An electoral area director may appoint an alternate to act on his behalf in his absence. The alternate must be eligible to hold office as a director and have the support of at least 10 electors in the electoral area he represents.

780. (1) An electoral area director shall appoint a person, who has the qualifications to hold office as a director, as his alternate to take his place and vote in his absence.

(2) An appointment under subsection (1) takes effect when

(a) the appointment has been approved in writing by 10 electors who are qualified to vote and who reside in the electoral area that he represents, and

(b) the director notifies the secretary of the appointment of the alternate.

(3) Where the seat of an electoral area director becomes vacant through death, resignation or disqualification,

(a) an election shall be held to fill the vacancy, and

(b) the alternate director holds office as the director pending the results of the election.

(4) Part 3 applies to an election under subsection (3), but notwithstanding that, where a seat becomes vacant after July 1 in the last year of the term of an electoral area director, the alternate director holds office as the director until the vacancy is filled at the next general local election.

(5) Where the alternate director is unable or unwilling to hold office as a director, the board shall appoint a person who has the qualifications necessary to be nominated as a director for that electoral area and the person appointed holds office as provided in subsection (3) or (4), as the case may be.

Voting

Section 781:

Voting at the regional district board is simplified. This section attempts to correct a major shortcoming in the present legislation by introducing greater clarity in identifying the voting rule applicable

781. (1) All resolutions and every reading and the adoption or amendment of all bylaws of the board shall, save as otherwise provided, be decided by the majority of directors who are at the meeting, with each director having one vote.

(2) A municipal director that has given notice under section 804 (6) is not entitled to vote on any resolution or bylaw under Part 29 unless the agreement referred to in section 804 (7) gives that director the right to cast a vote or a partial vote.

in specific cases. The use of the weighted vote is confined to those matters outlined in subsections (3) and (4).

(3) The following matters shall be decided by the majority of the votes cast by the directors who are at the meeting, with each director having the number of votes assigned to him under section 776:

(a) any bylaw for the acquisition or expropriation of real property for a general service;

(b) a feasibility study fund bylaw under section 809;

(c) a security issuing bylaw under section 814.

(4) The following matters shall be decided by a majority of eligible votes of all of the directors who represent the municipalities and electoral areas included in a service area covered by a local service or extended service, with each director having the number of votes assigned to him under section 776:

(a) budget matters in connection with the provision of the service;

(b) matters relating to the 5 year capital budget with respect to the provision of the service;

(c) property acquisition in connection with provision of the service;

(d) all costing and administrative matters relating to the operation of the service.

(5) A director who votes under subsections (3) and (4) must cast all his available votes for the same objective.

(6) Where a service area consists of all or part of one electoral area, or where by the application of subsection (2) only one director would vote, voting in respect of any matter in connection with the provision of the service in that area, or with the matter referred to in subsection (2), shall be by the whole board, and section 781 (1) applies.

(7) Where, on any question, the number of votes, including the vote of the person presiding, are equal, the question is negatived.

(8) Where a director who is present when a vote is taken abstains from voting, that director shall be deemed to have voted in the affirmative.

Chairman

Section 782:

The positions of chairman and vice chairman are given clear authority and responsibility. Elections to these offices are conducted on the one-director-one-vote principle.

782. (1) At the first meeting held after each December 1 in each year, the board shall by simple majority of its directors elect one of them as chairman and one of them as vice chairman.

(2) The vice chairman has, during the absence, illness or other disability of the chairman, all the powers of the chairman and is subject to all rules applicable to him.

(3) Where the chairman and vice chairman are not present at a meeting of the board, the directors present may appoint an acting chairman who has, during that meeting, all the powers of the chairman and is subject to all rules applicable to him.

(4) The chairman has the same powers and duties in relation to a regional district as the mayor of a municipality has under section 239 in relation to a municipality.

Calling and conduct of meetings

Section 783:

The regional board is given specific

783. (1) A board may by bylaw fix a time and place at which regular meetings of the board may be held.

(2) No notice of a regular meeting is required.

directions for how and when it shall call regular and extraordinary meetings.

(3) An extraordinary meeting of the board may be called by the secretary at the request of the chairman or of any 2 directors, by notice mailed to each director at least 5 days before the date of the meeting to the address given by each director to the secretary for that purpose.

(4) The notice shall state the general purpose, the day, hour and place of the meeting.

(5) Unless specific provision is made by bylaw of the board, where an emergency occurs, a meeting of the board may be called with consent of the chairman and 2 directors on less than 5 days' notice and the notice need not be in writing.

(6) A meeting of the board may take place outside the boundaries of the regional district where the board passes a resolution to that effect.

(7) Sections 220, 221, 224, 226, 227, 235, 243 apply to meetings of the board.

Extraordinary voting procedure

Section 784:

This new provision permits Lieutenant Governor in Council to make regulations providing for telephone votes to deal with urgent matters.

784. (1) The Lieutenant Governor in Council may, by regulation, make provision for obtaining and counting of votes from the directors on urgent issues and on passing resolutions on those issues without the necessity of holding a regular or extraordinary meeting, and the regulation may make rules governing mechanisms for submitting issues to the directors and for the manner in which votes will be submitted by them, and for the counting of votes and subsequent ratification of the appropriate resolutions by the board.

Remuneration of directors

Section 785:

The regional board may provide different remuneration for different classes of directors, based on their responsibilities and their level of participation in the various duties of office.

785. (1) The board may by bylaw provide

(a) for remuneration of the chairman, vice chairman, directors and alternate directors, and

(b) for remuneration for members of committees of the board for each regularly constituted committee meeting attended, and the bylaw may limit the number of meetings for which remuneration may be paid.

(2) A bylaw under subsection (1) may provide different remuneration for directors or different classes of directors.

(3) A director, alternate director or committee member is entitled to be reimbursed for reasonable outlays incurred by him in connection with his attendance at meetings of the board and any committee to which he is a member, as well as any other business of the board where payment of the outlays for that other business has received prior approval of the board.

(4) A person is not disqualified from holding office as a member of council by reason only that he received remuneration or reimbursement under this section.

Procedure, bylaws and enforcement

Section 786:

The procedures for conducting business, and adopting and enforcing

786. (1) The board shall by bylaw provide for the procedure that is to be followed for the conduct of its business, including the manner by which resolutions may be passed and bylaws adopted.

bylaws are described. Applicable procedures from Parts 4 and 5 of the Act are clearly listed.

(2) A procedural bylaw shall not be amended unless notice is given to each director of the proposed amendment at the meeting before the amendment is introduced.

(3) Subject to subsection (4), a board shall not adopt a bylaw on the same day it has given the bylaw third reading.

(4) A bylaw that does not require approval, consent or assent under this or any other Act before it is adopted may be adopted at the same meeting at which it passed third reading, so long as the motion for adoption receives approval of 2/3 of the directors present at the meeting.

(5) Sections 223, 232 to 234, 236, 240, 243, 294, 296, 297, 306 (1) and 308 to 318 apply for the purposes of this Part.

Committees, delegation of powers and inquiries

Section 787:

The power to delegate authority to standing committees is clarified.

787. (1) The board may, by bylaw adopted by at least 2/3 of the directors who are present at the appropriate meeting, delegate executive and administrative powers to a standing committee established by the chairman.

(2) The bylaw may set out conditions and restrictions on the delegation of a power.

(3) The chairman may appoint persons to a standing committee who are not members of the board, but every committee must have at least one member who is a member of the board.

(4) The board may appoint a select committee to consider or inquire into any matter and report its findings and opinion to the board.

Division 3
Service
Establishment
Powers

Section 788:

The regional board is given statutory authority to, by bylaw, establish and operate local services, including sewer systems, water systems, waste removal and disposal systems, recreation services, community facilities, community services, libraries, fire services, cemeteries and street lighting systems. Ancillary powers for various services are also granted, but these may only be exercised within established service areas. Consult section 771 for important qualifications to the proposed local service powers.

Local services

788. (1) The board may, by bylaw, establish and operate one or more of the following local services:

(a) a system of sewerage works for the collection, conveyance and disposal of sewage;
(b) a pump and haul sewage collection service;
(c) a water distribution and supply system;
(d) incinerators;
(e) places for the disposal of garbage;
(f) a system to collect, remove and dispose of garbage and of noxious, offensive or unwholesome substances;
(g) comfort stations, lavatories and other similar conveniences;
(h) community parks;
(i) subject to the *Parks (Regional) Act*, regional parks,
(j) any facility for pleasure, recreation or other community use, including libraries, art galleries, museums, arenas, theaters, sports complexes and other public buildings or facilities involving exhibition;
(k) subject to the *Library Act*, an integrated public library system;
(l) a fire department or fire brigade;
(m) subject to the *Cemetery Act* and the *Cemetery (Municipal) Act*, cemeteries, crematoria and columbaria; and
(n) a street lighting system.

[Consequential amendments to referenced Acts.]

(2) The board may, by bylaw, authorize the entry by it into an agreement with a government, municipality or person respecting the use of fire fighting equipment and personnel for use in fire fighting inside or outside of the service area.

(3) A board may, by bylaw, require owners of real property within a service area to connect their buildings and structures to appropriate sewer connections and provide, in the event an owner fails to make the necessary connection within the time specified in the bylaw, that the regional district will do the work necessary to make the connection and recover the costs incurred from the owner.

(4) A board may, by bylaw,require persons within a service area to utilize a garbage removal and disposal system as provided by the board.

(5) Where the board passes a bylaw under subsection (1) (h) to (k), section 682 (2) applies.

(6) Where the board adopts a bylaw under subsection (1) (h), sections 683 to 687, 690 and 691 apply.

(7) Where the board adopts a bylaw under subsection (1) (i), sections 683, 684, 687, 690 and 691 apply.

(8) Where a bylaw under subsection (1) (l) is in effect, the board may exercise the same powers with the same limitations as a municipality under section 700.

Section 789:

The regional board is given statutory

Extended services

789. (1) A board may, by bylaw, establish and operate one or more of the following extended services:

(a) animal and dog control;

authority to, by bylaw, establish and operate extended services, including animal and dog control, nuisance regulation, sundry regulation, building regulation, house numbering and emergency programs. Ancillary regulatory powers may be exercised within established service areas. Consult section 771 for important qualifications to the proposed extended service powers.

(b) control of nuisance, noise emission, unwholesome material and disturbances;
(c) deposit and removal of soil, gravel, sand and other substances;
(d) the regulation of building construction;
(e) the numbering of buildings;
(f) the introduction of programs in preparation for emergencies.

(2) The following provisions of this Act apply to the regulation and enforcement by a regional district of services established under subsection (1):

(a) in relation to animal and dog control, sections 524, 525, 932 (s), 933 (1) (d), (2) and (4) and 934;
(b) in relation to the control of nuisances, noise emission, unwholesome material and disturbances, sections 932 (b) to (e) and (g) to (l);
(c) in relation to the deposit and removal of soil, gravel and sand and other substances, section 930 (1) (d) and (e) and (2);
(d) in relation to the regulation of building construction, sections 734 to 741;
(e) in relation to the numbering of buildings, section 579 (1) (h).

(3) Where a board establishes and operates a service to provide programs in preparation for emergencies, the *Emergency Program Act* applies to the regional district as if it was a municipality. **[Possible consequential amendments needed to the Emergency Program Act.]**

Section 790:

Regional districts may, by regulation, be granted additional powers not enumerated in sections 788 and 789. A power granted under this section is exercised by bylaw.

Additional local or extended services

790. (1) The Lieutenant Governor in Council may, by regulation, grant additional powers to a regional district to establish and operate services by bylaw.

(2) The additional powers that may be granted under subsection (1) include, but are not limited to, powers that a municipality has under this Act.

(3) A regulation granting the power shall specify whether the service is a local service or extended service, and may

(a) provide that the service is to be operated subject to prescribed terms and conditions, and
(b) confer regulatory powers on the board in the implementation of the service.

Section 791:

Whereas a service area may include all or part of a municipality, any regulatory powers rest with the municipality unless transferred, by letters patent, to the exclusive jurisdiction of the regional district. This section reenacts and amplifies a provision in the existing Act.

Exercise of regulatory powers

791. (1) Where a board establishes a local or extended service in a service area and power is given to the board by this Part to regulate persons or property, that power may be exercised by the board within

(a) every electoral area or part within the appropriate service area, and
(b) every municipality or part within the appropriate service area, but only if the letters patent of the regional district confer exclusive jurisdiction on the board to regulate and enforce within a municipality.

(2) The powers, obligations and duties of a municipality within a regional district are reduced only to the extent that they are assigned to

the exclusive jurisdiction of the regional district under letters patent or to the extent provided in this Part.

Establishing bylaw

792. (1) Each bylaw establishing a separate local service or separate extended service for a service area must

(a) describe the service being established, and the service area, identifying all electoral areas and municipalities within the service area,

(b) indicate the method of cost recovery as set out in section 802,

(c) set out the method of apportionment of costs between the municipalities and electoral areas in the service area, if different from the method set out in section 804 (1).

(2) Each bylaw establishing a separate local service, in addition to the matters set out in subsection (1), must state

(a) the maximum amount that may be expended for annual operating expenses for the service, or

(b) the maximum rate which, when applied to the net taxable value of land and improvements within the service area will yield the upper limit for annual operating expenses for the service.

(3) A board shall not spend more on annual operating expenses than the amount stated in subsection (2) (a) or determined in the manner provided in subsection (2) (b).

(4) Where a board proposes to borrow money for the start of a local service or extended service, the bylaw establishing the service and the loan authorization bylaw under section 813 shall be combined as one bylaw.

(5) A service area may include all or part of a municipality or all or part of an electoral area or combination of them.

Section 792:

When a regional board prepares a bylaw establishing a service it must specify the type of service, the service area and the method of cost recovery. Where the service is a local service the bylaw must also provide (by formula or fixed dollar amount) a limit on allowable annual operating expenses. If a regional board proposes to borrow money in conjunction with the initiation of a service it must prepare a loan authorization bylaw. In this case, the establishing bylaw and the loan authorization bylaw are to be packaged as one bylaw for presentation to the voters.

Approval, review and filing

793. (1) The board must, before seeking assent or consent under sections 794 to 798, send a proposed bylaw establishing a local service or extended service including any amendments to or repeal of such service bylaws to the inspector for his approval.

(2) The secretary shall file a bylaw establishing a local service or extended service with the inspector after the bylaw has been adopted.

Section 793:

Service establishment bylaws must be submitted to the inspector for his approval, and must be filed with him after adoption.

Assent or consent where service area includes municipality

794. (1) A bylaw establishing a local service or extended service that includes a municipality in a service area has no effect unless

(a) the bylaw receives assent of the electors under this Division, or

(b) the council waives the assent requirement of paragraph (a) and then by resolution consents to the making of the bylaw and notifies the board accordingly.

(2) A council shall not waive the assent requirement under subsection (1) (b) where

Section 794:

If an establishment bylaw includes a municipality in the service area, voter assent is required unless this requirement is waived by council. Waiver is possible in most circumstances but not where an area wide vote is required or the service

area covers only part of the municipality. Where assent is waived, consent of the council is required. The options for voter assent are the standard referendum (section 796) and the counter petition (section 797).

Section 795:

If the establishment bylaw includes an electoral area in the service area, voter assent is required unless waived by the board. A board may waive the assent requirement for a local service where the service area is wholly within the boundaries of one electoral area and where the owners of land within the service area have petitioned for the service (see section 799). The board may waive the assent requirement for an extended service if it covers the whole electoral area and does not require borrowing. If voter assent has been waived, either the electoral area director must consent to the bylaw in writing or the board, by a 2/3 majority, must consent to the bylaw on his behalf. The same voter assent options applying under section 794 apply under this section.

Section 796:

This section offers the usual method of voter assent, viz. the referendum (the alternative is the counter petition under section 797). The referendum option requires a majority of those electors in each electoral area and in each municipality, or parts thereof, included in the proposed service area to vote in favour of the establishment bylaw. Alternatively, the board, by 2/3 majority, may pass a resolution to hold an area wide vote (in which case section 794(2)(a) applies).

(a) an area wide vote is required under section 796 (2), or
(b) the service area to which the bylaw applies covers only part of the area of the municipality.

Assent or consent where service area includes an electoral area

795. (1) A bylaw establishing a local service or an extended service that includes an electoral area in a service area has no effect unless the bylaw receives assent of the electors under this Division.

(2) A board may waive the requirement of subsection (1) for a bylaw establishing a local service if a petition in accordance with section 799 is delivered to the board.

(3) A board may waive the assent requirement of subsection (1) for a bylaw establishing an extended service if

(a) the service area does not include only a part of an electoral area, and
(b) the service can be established without borrowing

(4) Where the board waives the assent requirement, the bylaw has no effect unless the electoral area director then consents in writing to the making of the bylaw.

(5) Where a director refuses to give the consent referred to in subsection (4), 2/3 of the directors of the regional district may order that his consent be dispensed with and consent to the bylaw on his behalf.

(6) A director whose consent is ordered dispensed with under subsection (5) may, within 14 days of the order, appeal to the minister for a review, and the minister may after his review

(a) order that the consent of the directors under subsection (5) stands, or
(b) order that the assent of the electors be obtained as though there were no waiver under subsection (2) or (3).

Assent of electors: referendum

796. (1) Subject to subsection (2), assent of the electors is obtained where a majority of persons in each electoral area or each part of it, and in each municipality or each part of it which is included within the proposed service area vote in favour of the proposed bylaw

(2) The board may, by 2/3 majority, pass a resolution to have assent determined by an area wide vote

(3) Where a resolution is passed under subsection (2), assent is obtained where a majority of persons casting valid votes throughout the whole of the service area vote in favour of the proposed bylaw.

Section 797:

A counter petition can be used as an alternative to a referendum for certain "inexpensive" ($.50 per thousand, no debt) or "essential" (sewage, water, solid waste) services. The regional board must publish a notice of the proposed establishment bylaw. If, after 30 days, less than 5% of the electors in the service area counter petition the establishment bylaw, it is deemed to have received voter assent. If more than 5% of electors counter petition the bylaw, the board must obtain assent of the electors through a referendum. If more than 50% of electors counter petition the bylaw, the bylaw is defeated. The board is obliged to sponsor the counter petition process.

Assent of electors: counter petition

797. (1) A board or council may, rather than seeking assent of the electors under sections 794 and 795, obtain assent under this section where

(a) the maximum amount that may be spent for annual operating expenses under the bylaw does not exceed 50¢ for each $1 000 of net taxable value of land and improvements included in the service area and the service can be established without borrowing, or

(b) the bylaw is made under section 788 (1) (a) to (f).

(2) Where the board or council proposes to seek assent under this section, it shall publish a notice in not less than 2 consecutive issues of a newspaper.

(3) The notice shall contain a copy of the proposed bylaw and other information that the Lieutenant Governor in Council may prescribe.

(4) For the purposes of permitting the electors to petition against the proposed bylaw, the board or council shall prepare counter petitions in a form and with the content that the Lieutenant Governor in Council may prescribe.

(5) For at least 21 days after the last publication under subsection (2), the board or council shall distribute counter petitions to all persons who request them in writing.

(6) Where, 30 days after the last publication under subsection (2), the board or council has received counter petitions against the proposed bylaw representing at least 5% of the electors in the proposed service area, the board must obtain assent of the electors under section 794 or 795.

(7) Where the number of counter petitions against the proposed bylaw exceeds 50% of the electors in the proposed service area, the bylaw is defeated.

(8) Where the number of counter petitions against the proposed bylaw is fewer than 5% of the electors in the proposed service area, the bylaw is deemed to have received the assent of the electors.

Section 798:

Procedural rules for obtaining voter assent apply to regional districts.

Adoption of sections

798. The provisions of sections 298 to 305 apply for the purposes of this division.

Section 799:

Property owners within an electoral area may petition for a local service. The petition is not in itself a form of voter assent. However, should the board decide to provide the service, section 795(2) applies and a sufficient petition eliminates the need to seek formal voter assent through a referendum or counter petition.

Petition for services

799. (1) The owners of land within an electoral area may sign and submit to the secretary a petition for a service within all or part of that electoral area and, upon submission, the provisions of section 659 apply.

(2) For the purpose of permitting the owners referred to in subsection (1) to submit the petition, the board, may, but need not, prepare the form of petition which must be submitted

(3) A petition that is not in the form set out in subsection (2) is not a sufficient petition for the purpose of section 659 (1).

(4) The petition must contain

(a) a general description of the service that is proposed,

(b) a description of the proposed service area, and

(c) the manner in which debt servicing expenses and annual operating expenses are to be paid for.

(5) A petition under subsection (1) which is signed by 2/3 of the owners of land and improvements having a value at least 1/2 of the value of all land and improvements in the proposed service area is a sufficient petition for the purpose of section 659 (1).

Amendment of establishment or loan authorization bylaws

800. (1) In this section "participant" means

(a) in relation to a municipality, all or part of which is within a service area, the council of that municipality, and

(b) in relation to an electoral area, all or part of which is within a service area, the director of that electoral area.

(2) A loan authorization bylaw or a bylaw establishing a local service or extended service which included loan authorization may be amended or repealed by a majority of the board, but only if

(a) the assent of the electors is obtained under this Division, or

(b) the minister waives the need for assent under paragraph (a) and the consent of 2/3 of the participants is obtained

(3) A bylaw establishing a local service or extended service, which did not involve loan authorization, but which did receive the assent of electors under this Division prior to its adoption, may be amended or repealed by a majority of the board, but only if

(a) the consent of 2/3 of the participants is obtained where no order is made under paragraph (b), or

(b) where the minister so orders, the assent of the electors is obtained under this Division.

(4) A bylaw establishing a local service or extended service, other than a bylaw referred to in subsections (2) and (3), may be amended or repealed if the consent of 2/3 of the participants is obtained

Section 800:

After an establishment or loan authorization bylaw is adopted, the process for amending the bylaw is relatively streamlined. Where borrowing is involved assent is required unless waived by the minister. Where no borrowing is involved but where voter assent was given to the establishment bylaw, voter assent is not required unless the minister so orders. Otherwise, no voter assent is required for amendments. In all cases where voter assent is not obtained the amendment or subsequent borrowing requires the consent of 2/3 of the participants (the electoral area directors and municipal councils) in the service area.

Division 4
Financial Operations

Section 801:

Regional districts must account for services on a service by service basis (see the definition of "service" in section 766). Important accounting conventions are set forth. Significantly, the requirement for mandatory surplus carry-forward is eliminated (see ss(3)).

Accounting

801. (1) It is the duty of the treasurer to keep separate financial statements for each service performed in the regional district, and these shall include full particulars of assets and liabilities, revenues and expenditures, information concerning reserve funds and other pertinent financial details.

(2) All costs, including costs of administration attributable to a service are part of the costs of that service, and revenue received from the service shall be set off against those costs.

(3) A deficit for a year that is incurred in providing a service shall be carried forward as an expenditure against that service in the next year.

(4) On or before February 1 in each year, the amount received by a municipality, or by the Surveyor of Taxes appointed under the *Taxation (Rural Area) Act*, by way of grant in lieu of taxes for regional district purposes within the regional district under the *Municipal Grants Act, 1980* (Canada) in the immediately preceding year shall be paid to the board, and the amount paid shall be applied on a pro rata basis to the credit of the accounts for the service being given to the property, in respect of which the grant is paid.

(5) The amount received by a municipality by way of a grant in lieu of taxes for regional district purposes within the regional district under the *Municipal Aid Act* or from a Crown corporation or agency shall be paid to the board forthwith, and the amount paid shall be applied on a pro rata basis to the credit of the accounts for the services to the property, in respect of which the grant is paid.

(6) The board shall appoint an auditor to audit the individual accounts maintained for each service, and the provisions of Part 8 apply.

Section 802:

Different methods for cost recovery for local, extended and general services are provided. Currently, little cost recovery flexibility is provided to regional districts (except in specified areas). While further refinement of this section is known to be necessary, section 802 represents a first attempt to deliver added cost recovery flexibility to regional districts.

Cost recovery

802. (1) Where the board carries out a local service, the annual operating expenses and debt servicing expenses for that service may be recovered from any one or more of

(a) money requisitioned under section 805 or 806,

(b) the imposition of a frontage or parcel tax, or

(c) fees and other charges that the board may by separate bylaw require to be paid for the expenses of the local service.

(2) Where the board carries out an extended service, the annual operating expenses and debt servicing expenses for that service may be recovered from either or both of

(a) money requisitioned under section 805 or 806, or

(b) fees or other charges that the board may by separate bylaw require to be paid for the expenses of the extended service.

(3) Without limiting the powers to charge fees under Part 29, where the board carries out a general service, the expenses for that service may be paid from money requisitioned under section 805 or 806.

(4) The power to impose fees and charges referred to in subsections (1) (c) and (2) (b) includes the power to set different fees and charges on different classes of persons.

Section 803:

Regional districts are given specific instructions regarding budget preparation and content. This is intended to eliminate interpretation problems. More flexibility is provided, particularly in regard to amendment.

Budget

803. (1) The regional board shall cause to be prepared and adopted on or before December 31 in each year a provisional budget for the next year containing the matters set out in subsection (6).

(2) The secretary shall mail a copy of the provisional budget to each member municipality and to the inspector.

(3) The board shall, by bylaw, adopt the budget for the current year on or before March 31, and after that date may amend it with respect to any service, but only to the extent that additional revenue or surplus is available from that service.

(4) The secretary shall forward to each municipality a copy of the budget as adopted.

(5) A bylaw adopting the budget has no force and effect until a copy of it, signed by the chairman at the meeting at which it was adopted and certified to be a true copy by the secretary, is registered with the inspector.

(6) A budget must

(a) set out the anticipated expenditure for each service to be incurred in the year,

(b) show separately revenues obtained from requisitions and other sources, and

(c) record anticipated surpluses.

(7) The limit of budget for a service referred to in paragraph (e) of the definition of general service is the amount that would be obtained by a levy of $0.02 per $1 000 on net taxable value of property within the regional district.

Section 804:

The rules for apportioning the cost of providing various types of service are provided. Apportionment rules are set forth much more clearly and comprehensively than is the case today. All apportionment rules are now located here, including rules for assessment adjustment and for cost sharing of activities under Part 29. With respect to Part 29, the municipal opt out is retained (and the opt out is "until further notice").

Apportionment

804. (1) The cost of providing a local service or extended service that will be paid for by amounts requisitioned under sections 805 or 806 shall be apportioned among the municipalities and electoral areas, or parts of them, that are within the service area, on the basis of net taxable value of land and improvements in that area, unless the bylaw which created the local or extended service provides for some other method of apportionment.

(2) The costs of providing the services described in paragraphs (a) and (e) of the definition of general services shall be apportioned among all the municipalities and electoral areas that comprise the regional district on the basis of the net taxable value of land and improvements in the regional district.

(3) The costs of providing the services referred to in paragraph (b) of the definition of general service shall be apportioned among the electoral areas on the basis of net taxable value of land and improvements in those areas.

(4) The amount required by a board to meet a writ of execution against the regional district shall be apportioned among the municipalities and electoral areas, or parts, on the same basis as the service out of which the action arose, except where the action arose from the negligence of the board, its agents or servants, in which case the amount shall be apportioned in the same manner as that set out in subsection (2).

(5) Subject to subsections (6) and (7), the cost to a regional district of management of development under Part 29, other than costs recovered by way of fees and charges, shall be apportioned among the member municipalities and electoral areas on the same basis as set out in subsection (2).

(6) Subject to subsection (8), a member municipality may, before October 1 in any year, notify the board that until further notice it will no longer share the costs of and participate in those aspects of management of development under Part 29 that are set out in the notice, and upon such notification being made, the municipality has no right to participate and has no liability to share in the costs effective the following year.

(7) Notwithstanding subsection (6), a municipality to which that subsection applies and a board may agree that the municipality shall to the limited extent set out in the agreement share in the cost of some aspects of management of development under Part 29.

(8) Where a member municipality gives notice under subsection (6) after a board has passed a resolution authorizing the preparation of a plan or bylaw under Part 29, the municipality shall continue to share the costs and participate in that preparation until

(a) the date the plan or bylaw is adopted, or

(b) 2 years elapse from the date of the resolution,

whichever first occurs.

(9) Where, in respect of a year

(a) adjustments are, pursuant to the *Assessment Act*, made to the assessed values of land and improvements of a municipality or electoral area as certified under subsection (11), and

(b) the share of the cost of all the services of the regional district that was apportioned to and borne by any municipality or electoral area in that year would, had those adjustments been taken into account, have increased or decreased by more than $1 000,

then the share of the cost apportioned to and borne by the municipalities and electoral areas shall be adjusted in the requisition next following the date of the adjustment in a manner directed by the minister.

(10) Where, in respect of the year 1984, 1985 or 1986 and prior years prescribed by the minister,

(a) adjustments have been or are made, pursuant to the *Assessment Act*, to the assessed values of land and improvements of a municipality or electoral area as certified under subsection (11), and

(b) the share of the cost of all the services of the regional district that was apportioned to and borne by any municipality or electoral area in any of those years would had those adjustments been taken into account, have increased or decreased by more than $1 000,

then the minister may direct that the share of the cost apportioned to and borne by the municipalities and electoral areas in the year 1987 or some other year directed by the minister, shall be adjusted in a manner directed by the minister.

(11) The British Columbia Assessment Authority shall as soon as practicable after the relevant information is available certify and forward to the secretary and to the inspector the net taxable value of all land and

improvements both for general municipal and regional hospital district purposes

(a) within each municipality and electoral area, and

(b) in accordance with the individual requirements of secretaries, within each service area.

(12) Where adjustments are, pursuant to the *Assessment Act*, made to the assessed values of land and improvements referred to in subsection (11), it is the duty of the British Columbia Assessment Authority to submit particulars to the secretaries and to the inspector.

Requisition of funds: municipalities

805. (1) On or before April 10 in each year, the secretary shall deliver to each municipality a requisition stating the amount required for each service from that municipality during the year.

(2) Where the amount required for a service includes an amount to be recovered by a frontage tax or a parcel tax, the requisition shall set out that amount separately.

(3) A sum validly requisitioned is a debt due by the municipality to the regional district and the council shall pay it to the board on or before August 1 of the current year.

Requisition of funds: electoral areas

806. (1) On or before April 10 in each year, the secretary shall send a requisition to the inspector showing the amount required for each service within each electoral area in the regional district, and send a copy of each requisition for an electoral area to the director of that area.

(2) Where the amount required for a service includes an amount to be recovered by a frontage tax or a parcel tax, the requisition shall set out that amount separately.

(3) The inspector shall satisfy himself that the amount requisitioned is budgeted and may deduct amounts which have been budgeted for a purpose not within the powers of the board. He shall then send the requisitions to the Minister of Finance and Corporate Relations.

(4) The amounts requisitioned under this section may be paid by the Minister of Finance and Corporate Relations from the consolidated revenue fund.

Collection in municipalities

807. (1) Where a valid requisition is delivered to a municipality under section 805, the amount requisitioned shall, except in the cases described in subsections (2) and (3), be levied and collected by that municipality from owners within the service area by the method set out in section 273 (e), having regard to any bylaw passed under subsection (4).

(2) Where an amount specified in the requisition is to be recovered by way of frontage tax or parcel tax, that amount shall be recovered by the municipality from the owners of the frontages or parcels within the service area as if it had been imposed by it as a frontage tax or parcel tax under the Act.

(3) Where a fee or other charge, which the regional district has, after reasonable effort, been unable to collect from a debtor, is included in the

Section 805:

Municipalities will be sent a requisition for the amount owing for each service provided by the regional district. The requisition is to show separately amounts to be levied by the municipality using the ad valorem tax and the frontage or parcel tax. Note that the basic fiscal framework for a service is a matter decided in a consensual fashion in the bylaw establishing the service (see section 792(1)).

Section 806:

Regional districts will send a requisition for the amount owing for services rendered in electoral areas to the inspector who, after scrutiny, will pass the requisition to the Minister of Finance and Corporate Relations.

Section 807:

The existing legislation confusingly deals with matters of requisition and collection under one heading. For clarity, collection provisions are now separate. Municipalities are authorized to collect monies on behalf of regional districts in accordance with this section. Where a regional district has been unable to collect fees or charges from

owners within a municipality it will include the delinquent charges in its requisition and the municipality will pay it and recover charges from the owners.

requisition, the municipality shall treat the non-payment as a charge referred to in section 435 against the person liable to pay it, and the provisions of that section and section 436 apply to its collection.

(4) A board may by bylaw provide that the rates authorized by section 273 (e) be levied

(a) on the basis set out in section 275 (2), or partly on that basis and partly on the basis set out in section 275 (1), and

(b) on land only or on improvements only.

(5) Where the Greater Vancouver Regional District adopts the bylaw referred to in subsection (4), the rates authorized to be levied by the City of Vancouver may be levied in the manner set out in the bylaw.

(6) Where a service area falls within part of a municipality, the municipality may levy or collect, as the case may be, the requisitioned amounts from those persons who are liable that reside within that service area.

Collection in electoral areas

Section 808:

The Ministry of Finance and Corporate Relations shall collect, from electoral area residents within service areas, the amount owed to regional districts including charges which the regional district has been unable to collect. The regional district is responsible for preparing the frontage tax assessment roll where it has introduced a frontage or parcel tax.

808. (1) Where a requisition is delivered to the Minister of Finance and Corporate Relations under section 806, that minister shall, except in cases described in subsections (3) and (4), and after giving due regard to a bylaw referred to in subsection (2), direct that the amount requisitioned together with such additional sum as the minister may direct to cover the costs and outlays of assessment and collection, be collected by means of a rate levied against the net taxable value of land and improvements of every owner within the service area and that the levy be collected under and in accordance with the *Taxation (Rural Area) Act* as if it was a tax imposed under that Act.

(2) A board may by bylaw provide that the amount referred to in subsection (1) be assessed on land only or on improvements only

(3) Where an amount specified in the requisition is to be recovered by way of frontage tax or parcel tax from owners of property within the service area, that amount shall be recovered by the Crown from the owners of the appropriate parcels or frontages within that area as if it was a tax imposed under the *Taxation (Rural Area) Act*.

(4) Where a fee or other charge which the regional district has, after reasonable effort, been unable to collect from a debtor, is included in the requisition, the surveyor of taxes shall treat the non-payment as a failure to pay tax under the *Taxation (Rural Area) Act* by the debtor, and Part 5 of that Act applies.

(5) Where a board provides a service within all or part of an electoral area and the bylaw creating the service provides that the cost of it will be recovered wholly or partly by means of a frontage tax or parcel tax, it is the duty of the board to prepare a frontage tax assessment roll for each parcel of land within the service area setting out sufficient particulars to enable the surveyor of taxes to assess the tax liability of the owner of the land.

(6) The board shall cause particulars of the frontage tax assessment roll to be made available for inspection by every person named in it as owner of the parcel to which the bylaw applies, and for the purpose of appeals against entries in the roll, sections 484 to 487 apply.

Section 809:

Regional districts may establish a feasibility study fund for which all electoral areas and municipalities contribute funds. If a service is undertaken then the cost of the feasibility study will be charged to that service. Otherwise, contributions to a fund are treated as part of general administration. See clause (a) of the definition of "general service".

Section 810:

Consistent with the corresponding rule for municipalities, regional districts may not incur liability beyond anticipated revenue. Provision for revenue anticipation borrowing is made.

Section 811:

Regional boards may not enter into a contract for materials, equipment or services which exceeds 5 years. A regional board may only enter into a contract exceeding 5 years respecting the lease, occupation or mortgage of real property if electors have given assent or the minister has given consent.

Section 812:

This section permits long term debt by loan authorization bylaw. A 5 year captial expenditure program is required.

Section 813:

This section sets out the content and

Feasibility study fund

809. (1) A board may by bylaw establish a feasibility study fund (in this section called "the fund") for the purposes of meeting costs of undertaking feasibility studies of services it proposes to provide.

(2) No requisition shall be made in any year that would result in the amount that it is in the fund exceeding the amount produced by a levy of 10¢ per $1 000 of the net taxable value of land and improvements in the regional district.

(3) Money in a fund may be invested or reinvested in the manner set out in section 364.

(4) If a board resolves to undertake a service, the expenditures for its feasibility shall be charged to the account of that service.

Debt: revenue

810. (1) Except as provided in this Part, a board shall not incur a liability for a service which exceeds the budgeted revenue for that service in a year.

(2) The board may by bylaw provide for the borrowing of money that may be required to meet its current expenditures before its revenue from all sources to pay for those expenditures has been received, but money so borrowed shall be repaid when the anticipated revenue with respect to which the borrowing was authorized is received.

Limitations on contract

811. (1) A board shall not enter into a contract exceeding 5 years for the supply of materials, equipment or services.

(2) A contract for the supply of materials, equipment or services shall not contain provisions which incur debt that exceeds in any year the amount of budgeted revenue for that year.

(3) A board shall not enter into a contract exceeding 5 years respecting the lease, occupation or mortgage of real property unless

(a) the assent of the electors is obtained, or

(b) the minister, on application from the board, gives consent.

Debt: capital

812. (1) A board may only contract a debt

(a) for a term no longer than 30 years or for the reasonable lifetime expectancy of the work for which the debt is contracted, whichever is the shorter period,

(b) if provision is made for it in a capital expenditure bylaw, and

(c) except in the case of a mortgage of real property, if a loan authorization bylaw is adopted under section 813.

(2) Section 266 applies to a capital expenditure bylaw under subsection (1) (b).

Loan authorization bylaws

813. (1) A board may, by a loan authorization bylaw, borrow money for capital purposes within its powers.

procedural requirements for loan authorization bylaws. The statutory prerequisites for a bylaw are equivalent to those for a bylaw establishing a service. Sections 792(4), 800 and 815 are important for a full appreciation of rules for loan authorization.

(2) The provisions of sections 793 to 800 apply to a loan authorization bylaw.

(3) A loan authorization bylaw authorizes a regional district to borrow the money in accordance with the provisions of the bylaw within 5 years from the date of adoption and not later.

(4) A loan authorization bylaw must state

(a) the maximum amount the regional district is authorized to borrow under the bylaw,

(b) the amount of debt intended to be created and the object for which it is to be created,

(c) the amount of existing debt of the regional district under section 812, the amount of security debt of the regional district authorized and unissued and the amount if any of the principal and interest of the securities of the regional district that are in arrears, which amounts shall be shown separately for debt incurred under this section and for debt incurred under section 812,

(d) the maximum term for which the securities may be issued, and

(e) the municipalities and electoral areas that will comprise the service areas from the moneys borrowed under it.

Security issuing

Section 814:

Regional districts may adopt security issuing bylaws. These provisions are essentially unchanged from the present.

814. (1) The board may by a security issuing bylaw provide for the issuance of securities under the authority contained in one or more loan authorization bylaws, or for some part of the amount authorized in those bylaws.

(2) A security issuing bylaw issued shall provide that a sum shall be requisitioned under sections 805 and 806 in each year in an amount sufficient

(a) to meet the annual payment for interest and principal,

(b) to meet any known or anticipated deficiency in the amounts raised or to be raised by any special charge, rate or tax for the annual payment of interest and principal, or

(c) where it is known or anticipated that the revenue derived from the services for which the debt is created will be insufficient to meet the annual payments to make up that deficiency.

(3) A security issuing bylaw may include borrowing pursuant to section 818.

Provisions applicable to loan and security bylaws

Section 815:

Regional district loan authorization and security issuing bylaws are subject to the same approval requirements as at present.

815. The provisions of sections 332, 336 to 338, 339 (2) to (5), 341 to 343 and 348 to 361 apply for the purposes of this Division.

Sections 816 and 817:

Specific legislative proposals have not yet been developed for two new methods of capital finance, viz. reserve funds and short term capital borrowing. These provisions will be introduced presently.

Reserve funds

816.

Short term capital borrowing

817.

Section 818:

Regional districts will continue to act as the borrowing agent for member municipalities. This provision is essentially unchanged from the present.

Financing municipal undertakings

818. (1) A regional district may finance, at the request and sole cost of a municipality, an undertaking for which the council of the municipality has adopted a security issuing bylaw in accordance with this Act, or, in the case of the City of Vancouver, for which the council has passed a bylaw or resolution authorizing the borrowing of money under the *Vancouver Charter*.

(2) For the purpose of this financing, the regional board may adopt a security issuing bylaw without adopting a loan authorization bylaw, and the security issuing bylaws of a municipality or bylaw of the City of Vancouver shall be recited in the security issuing bylaw as the authorization for it.

(3) The municipality or the City of Vancouver shall provide for and pay over to the regional district the sums required to discharge its obligations in accordance with the securities issued by the regional district, or agreements entered into under section 339 (1) or (2) of the Vancouver Charter, but if the sums provided for in the debentures or under the agreements are not sufficient to meet the obligations of the board, the deficiency shall be a liability of the municipality or the City of Vancouver to the regional district.

Section 819:

If a regional district defaults on money borrowed, repayment becomes the responsibility of the electoral areas and municipalities within that particular regional district. This provision remains essentially unchanged from the present.

Borrowing on credit

819. Money borrowed by a regional district shall be on its credit at large, and shall, in the event of default, constitute an indebtedness of the municipalities and electoral areas in the regional district for which they are jointly and severally liable.

Division 5
General

Section 820:

A regional district may undertake a work or service on behalf of a municipality by contract. This reenacts an existing -- and very useful -- provision.

Contracting services

820. A regional district may undertake a work or service for a municipality located within the regional district on mutually agreed terms where

(a) the work or service is within the powers of the municipality, and

(b) the entire cost of the work or service is paid for by the municipality.

Section 821:

This section authorizes the creation of a regional district service area including, under an agreement, territory lying outside the regional district. While further refinement of this section is known to be necessary, this is a first attempt to provide this potentially useful authority.

Extraterritorial services

821. (1) A regional district may agree with another regional district or with a municipality located outside the regional district to carry out a local or extended service within that other regional district or municipality.

(2) An agreement under subsection (1) has no effect until ratified by a bylaw which requires at least a 2/3 majority vote of all of the directors of each of the contracting boards or the councillors of a contracting council, as the case may be.

(3) A bylaw under subsection (2) and the agreement which it ratifies must be approved by the minister, which approval may be given before adoption.

(4) The powers of a regional district extend outside its boundaries to the extent necessary to give effect to an agreement under this section, and the provisions of this Part apply to that regional district and its board for every local or extended service established and operated outside its boundaries in accordance with that agreement.

Section 821.1:

The local community is intended to provide an opportunity for local representation in developing rural communities. A regional board may establish one or more local communities. A local community commission, consisting of four elected commissioners and the electoral area director, may be delegated responsibilities relating to the administration and operation of regional district services within the boundaries of the local community. The local community is a "half-way house" preceding municipalization, hence provision for periodic status review is made (needs further refinement).

Local community

821.1 (1) A board may by bylaw adopted after compliance with sections 793 and 795, establish within an electoral area one or more local communities to be administered by local community commissions.

(2) A bylaw under subsection (1) shall

(a) name the local community, define its boundaries and provide for the time and manner of holding annual general meetings and elections of commissioners,

(b) assign to the local community commission duties relating to the administration and operation of services provided in a service area that is located within the local community, and

(c) detail the method by which and the times at which commissioners will be elected to serve on the commission.

(3) Each local community commission shall consist of

(a) 4 elected commissioners all of whom shall reside in the local community and have the qualifications to hold office as a director, and

(b) the director for the electoral area in which the local community is situated.

(4) Commissioners elected in the manner set out in the establishing bylaw hold office for a period of 3 years or until their successors are elected, whichever is the longer.

(5) The commissioners shall, at their first meeting elect one of them as a chairman and another as vice-chairman.

(6) Remuneration of commissioners shall be set by the board. Expenses reasonably incurred in carrying out their duties shall be reimbursed by the board.

(7) The power of the minister under section 6 to direct a poll shall not be exercised within a local community until 5 years have elapsed from the date that

(a) the local community was established, and

(b) the last poll was taken within the local community.

Notice required for certain bylaws

Section 821.2:

A regional board shall not adopt certain regulatory bylaws until it has provided a notice indicating the intent of the proposed bylaw and the area affected and indicating where the proposed bylaw may be inspected. This reenacts a current provision.

821.2 (1) A regional board in implementing its powers under this Part shall not adopt a bylaw under

(a) Part 21, or

(b) section 930, 932, 933, 964, 966, 967, 968, 969, 977, 978, 989 or 990

until it has given notice as provided in subsection (2).

(2) The notice shall

(a) state

(i) in general terms, the intent of the bylaw,

(ii) the area that is the subject of the bylaw, and

(iii) the place where and the times and dates when copies of the bylaw may be inspected, and

(b) be published in a newspaper not less than 3 days before the bylaw is to be considered for adoption.

(3) A bylaw regulating persons or their property made before this section came into force that is invalid by reason only that it did not comply with section 769 of this Act as it existed before the coming into force of section 23 of the *Municipal Amendment Act (No. 2), 1987*, is conclusively deemed to have been validly made at the time it was made.

Firearms bylaws

Section 821.3:

This section reenacts a current provision.

821.3 (1) In this section "firearm" means firearm as defined in the *Wildlife Act*.

(2) Notwithstanding this Act or a provision in letters patent issued to a regional district, a bylaw of a regional district regulating or prohibiting the discharge of firearms is unenforceable to the extent that a regulation under section 110 (2) (n) or (o) of the *Wildlife Act* is in force within the regional district.

(3) Where a bylaw of a regional district enacted before August 1, 1982 regulates or prohibits the discharging of firearms, the bylaw is deemed to be repealed on March 31, 1984, to the extent that it purports to regulate or prohibit the discharging of firearms.

Financial

Section 821.4:

This section reenacts several miscellaneous financial provisions.

821.4 (1) Where an Act, or the letters patent of a municipality or regional district, contain or authorize apportionment, tax or tax base sharing arrangements, agreements or formulas based on the assessed

values for other than general municipal purposes, the minister may, by regulation, amend

(a) the arrangements, agreements or formulas, or

(b) the value amounts to be used for the arrangements, agreements or formulas,

for the purpose of continuing the arrangements, agreements or formulas according to their original intent.

(2) If a municipality defaults in the payment of money due and payable by it to the regional district, the Lieutenant Governor in Council may, at the request of the board, appoint a commissioner for it and he has all the powers and duties of a commissioner appointed under Part 26.

(3) The *Financial Information Act* applies to regional districts.

Tax adjustments

Section 821.5

This section reenacts the newly introduced variable tax rate system for regional districts.

821.5 (1) In this section "variable tax rate system" means a system under which individual tax rates are determined and imposed for each property class.

(2) The board of a regional district may, not later than March 1 in each year, prepare and submit to the minister a plan respecting any of its services or service areas.

(3) The plan shall

(a) identify changes in the yield of taxes resulting from the elimination of the class known as "class 4 - machinery and equipment" from the classes of property prescribed under the *Assessment Act*, and

(b) specify the effect that tax rate relationship adjustments and the consequent apportionment of requisitions would have on the various classes of property in the regional district.

(4) Where the minister approves a plan submitted to him under this section, it shall be implemented by means of a variable tax rate system and by apportionment of requisitions made under section 804.

(5) Where the minister approves a plan, he may give directions respecting the implementation of the plan by a municipality or by the Surveyor of Taxes including directions regarding the variable tax rate system to be applied under this section and in respect of the apportionment under this section and under section 804 of the Act of requisitions and may, by the directions,

(a) set limits on tax rates,

(b) establish relationships between tax rates, and

(c) establish formulas for calculating the limits or relationships referred to in paragraphs (a) and (b).

(6) The minister may by his directions under subsection (5), set different tax limits and establish different relationships or formulas for each class of property, for different regional districts, for different services or for different service areas and for different electoral areas or municipalities participating in a service.

(7) Where a direction by the minister under subsection (5) or (6) conflicts with or is inconsistent with a provision of any enactment, the direction of the minister prevails to the extent necessary to implement a plan under subsection (4).

Property taxes

821.6 (1) Property owned or held by a regional district is not subject to taxation when used for its purposes under this Part, but otherwise is subject to taxation

(a) under section 410 as if the property were owned by a municipality, or

(b) under section 16 (3) of the *Taxation (Rural Area) Act* as if the property belonged to the Crown.

(2) Notwithstanding subsection (1), the owner of property leased or rented to the regional district is liable for the payment of taxes that would otherwise be levied with respect to that property under any Act.

Section 821.6:

This section reenacts a current provision.

Miscellaneous application

821.7 Sections 291 and 292 apply to a board, and Parts 22 and 23, other than sections 757 (1) and 759 to 762, apply to a regional district and its board as the context requires.

Section 821.7:

This section reenacts a current provision and clarifies the application of sections 291 and 292.

Appeals

821.8 (1) The council of a municipality or a director of an electoral area may appeal any bylaw, order, decision or action of the board to the inspector who may, by himself or by another person authorized by him, hold an inquiry which shall be open to the public. Orders made by the person holding the inquiry as a result of it shall, on approval by the Lieutenant Governor in Council, be binding on the regional board.

(2) Section 745 (2) applies to the person holding the inquiry under subsection (1).

Section 821.8:

This section reenacts a current provision.

Transitional

821.9

Section 821.9:

Important transitional provisions are to be introduced presently. In this regard, see also section 767. Service powers currently enjoyed by regional districts will be retained. However, over time transition between the old method of service authorization by letters patent to service authorization by bylaw is required.